

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WILLIAM STANFORD, JR., Individually and on
Behalf of All Other Similarly Situated Persons and
on Behalf of the Foamex L.P. Savings Plan,**

Plaintiff,

v.

**FOAMEX L.P., FOAMEX L.P. BENEFITS
COMMITTEE, UNKNOWN FIDUCIARY
DEFENDANTS, FIDELITY MANAGEMENT
TRUST CO., THOMAS CHORMAN,
K. DOUGLAS RALPH, and STEPHEN DRAP,**

Defendants.

No. 07-CV-04225-WY

William H. Yohn, Jr.

**PLAINTIFF STANFORD'S
MOTION FOR CLASS CERTIFICATION**

For the reasons fully explained in the accompanying *Memorandum in Support of Plaintiff's Stanford's Motion for Class Certification*, Plaintiff William Stanford moves that he be appointed class representative, and his attorneys be appointed class counsel, for a mandatory class consisting of all individuals invested in the Foamex Stock Fund on July 20, 2005 (except individuals who were members of the Foamex Benefits Committee at any time between from July 20, 2005 and December 31, 2006, the members of their immediate families, and their heirs, successors or assigns) under Federal Rule of Civil Procedure 23(b)(1) or, in the alternative, Rule 23(b)(3).

WHEREFORE, Plaintiff asks that the Court:

(a) enter an Order (1) certifying a class under Federal Rule of Civil Procedure 23(b)(1); (2) naming Stanford as the class representative; and (3) appointing his attorneys as class counsel, in the form submitted with this motion,

(b) alternatively, enter an Order (1) certifying a class under Federal Rule of Civil Procedure 23(b)(3); (2) naming Stanford as the class representative; (3) appointing his attorneys as class counsel; and (4) directing submissions of proposed notice of the action to class members under Rule 23(b)(3), and

(c) grant such other relief as may be just, necessary or appropriate

DATED: January 13, 2009.

SIRIANNI YOUTZ
MEIER & SPOONEMORE

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Counsel for Plaintiff William Stanford, Jr.

CERTIFICATE OF SERVICE

I certify, under penalty of perjury, that on January 13, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that a true and correct copy of the foregoing was served upon the following by ECF:

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DATED: January 13, 2009.

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